HEWLETT-PACKARD COMPANY
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PATENT APPLICATION

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IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Kirk Tecu; William Robert Haas	Confirmation No.: 7620
Application No.: 09/816,993	Examiner: Rimell, Samuel G.
Filing Date: March 23, 2001	Group Art Unit: 2175
Title: AUTOMATIC CONTENT GENERATION FOR IMAGES BASED ON STORED POSITION DATA	

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Sir:

Transmitted herewith in triplicate is the Appeal Brief in this application with respect to the Notice of Appeal filed on __January 29, 2004__.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) $330.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

( ) (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)
        for the total number of months checked below:

    ( )   one month $110.00
    ( )   two months $420.00
    ( )   three months $950.00
    ( )   four months $1480.00

    ( ) The extension fee has already been filled in this application.

(X) (b) Applicant believes that no extension of time is required. However, this conditional petition is
        being made to provide for the possibility that applicant has inadvertently overlooked the need
        for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of __$330.00__. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

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(X) I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number (703) 872-9306 on __March 26, 2004__

Number of pages: 45

Respectfully submitted,

Kirk Tecu; William Robert Haas

By _____

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant(s):	Kirk Tecu; William Robert Haas
Assignee:	HEWLETT PACKARD COMPANY
Title:	Automatic Content Generation for Images Based on Stored Position Data

Serial No.:	09/816,993	Filing Date:	March 23, 2001
Examiner:	Rimell, Samuel G.	Group Art Unit:	2175
Docket No.:	10010017-1		

Irvine, California
March 26, 2004

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

APPELLANT'S BRIEF UNDER 37 CFR 1.192

Dear Sir:

This paper is responsive to the Final Office Action dated September 30, 2003, having a shortened statutory period expiring December 30, 2003. Reconsideration is respectfully requested in view of the remarks set forth below.

I. REAL PARTY IN INTEREST

The entire interest in the present application has been assigned to Hewlett-Packard Development Company LP, a Texas Limited Partnership having a place of business at 20555 S.H. 249, Houston, Texas, 77070, as recorded at reel 014061, frame 0492.

II. RELATED APPEALS AND INTERFERENCES

No other appeals or interferences are known to the appellant, the appellant's legal representative, or assignee which will directly affect or be directly affected by or have bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1-4 are rejected under 35 U.S.C. §102(e) as being anticipated by Abram et al. (U.S. Patent No. 6,462,778).

Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over Abram et al. (U.S. Patent No. 6,462,778).

Claim 6 is rejected under 35 U.S.C. §102(e) as being anticipated by Abram et al. (U.S. Patent No. 6,462,778).

Claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over Abram et al. (U.S. Patent No. 6,462,778) in view of Obradovich (U.S. Patent No. 6,525,768).

Claim 12 is rejected under 35 U.S.C. §103(a) as being unpatentable over Abram et al. (U.S. Patent No. 6,462,778) in view of Obradovich (U.S. Patent No. 6,525,768).

Claim 13 is rejected under 35 U.S.C. §102(e) as being anticipated by Abram et al. (U.S. Patent No. 6,462,778).

Claims 14-19 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

Claim 20 is rejected under 35 U.S.C. §103(a) as being unpatentable over Abram et al. (U.S. Patent No. 6,462,778) in view of Obradovich (U.S. Patent No. 6,525,768).

The appellants appeal the rejection of all claims.

IV. STATUS OF AMENDMENTS

The appellant's amendment dated November 18, 2003, in response to the final office action dated September 30, 2003, was denied entry.

1015.P054 US   -2-   Serial No. 09/816,993

V. SUMMARY OF INVENTION

In accordance with an embodiment of the invention described in paragraphs [0015] and [0016] of the specification, a method for operating a server (204) provides content in association with image data. The method comprises communicating data via a communications network (202), receiving image data and associated position data from a client (200) connected to the network, retrieving content data related to said position data from a database (208, 210, 212) coupled to the server, and producing an annotated image including said image data and said content data.

According to another embodiment described in paragraph [0017], a method for operating a server [300] provides content in association with image data. The method comprises communicating data [302] via a communications network and receiving [302] image data and associated position data from a client connected to the network, querying [304] a location database coupled to the server with said position data, and receiving a location name from said location database in response to said querying.

According to a further embodiment also described in paragraphs [0015], [0016], [0022], and [0023], a system is adapted to generate content in association with image data. The system comprises a location database (208), a content database (210, 212), and a server (204) connected to said location database (208) and to said content database (210, 212). The server (204) is adapted to receive image data and associated position data from a client (200), retrieve content data from a content database (210, 212) where the content data is related to the position data, produce an annotated image including said image data and said content data, and serve said annotated image to said client (200).

According to a further embodiment, an article of manufacture comprises a server-usable medium having a computable readable program code embodied therein for operating the server (204) to provide content in association with image data. The computable readable program code further comprises a code capable of causing the server (204) to communicate data via a communications network (202), a code capable of causing the server (204) to receive image data and associated position data from a client (200) connected to the network (202), a code capable of causing the server (204) to retrieve content data related to said position data from a database (208, 210, 212) coupled to the server (204), and a code capable

of causing the server (204) to produce an annotated image including said image data and said content data.

VI. STATEMENT OF THE ISSUES

1.   Whether claims 14-19 are unpatentable under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement and as having claims containing subject matter which is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

2.   Whether claims 1-4, 6, 8, 9, 10, 11, and 13 are unpatentable under 35 U.S.C. §102(e) as being anticipated by Abram et al. (U.S. Patent No. 6,462,778) under a "broadest reasonable interpretation" standard.

3.   Whether claim 5 is unpatentable under 35 U.S.C. §103(a) over Abram et al. taking into account all limitations of the claim.

4.   Whether claims 7, 12, and 20 are unpatentable under 35 U.S.C. §103(a) over Abram et al. in view of Obradovich (U.S. Patent No. 6,525,768) taking into account all limitations of the claims.

VII. GROUPING OF THE CLAIMS

Claims are grouped as follows:

1.   Claims 14-19 are rejected under 35 U.S.C. §112, first paragraph, based on adequacy of disclosure.

2.   Claims 1-4, 6, 8, 9, 10, 11, and 13 are rejected under 35 U.S.C. §102(e) as being anticipated by Abram et al.

3.   Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over Abram et al.

4.   Claims 7, 12, and 20 are rejected under 35 U.S.C. §103(a) over Abram et al. in view of Obradovich.

VIII. ARGUMENT

(i) Grounds of Rejection under 35 U.S.C. §112, first paragraph

Claims 14-19 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement and containing subject matter which allegedly was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The appellants appeal the rejection on the basis that the original specification fully supports claims 14-19.

In the final office action mailed 9/30/2003, the examiner refers to the "controller" claim element in claims 14-19 and "finds that the system architecture *does not recite a 'controller'* in addition to the server, client and communications network." The examiner further states that "appellant's disclosure recites the server as performing the data processing functions, not a separate 'controller' operating in addition to the server." The appellant's believe that the claim language and the specification as originally filed, in light of what is conventional and well known to one of ordinary skill in the art, make clear that the controller is merely a control element, such as a processor, central processing unit (CPU), or other computational processor, that is a part of every server.

All claims 14-19 contain the element, either independently or dependently, of "a controller usable medium having a computer readable program code embodied therein *for operating a server*". This language makes explicit that the controller is contained within the server in a format that is widely used for claiming of computer products and articles of manufacture. Accordingly, such language is widely understood by those having ordinary skill in the art as well as patent practitioners and examiners. Furthermore, the specification, as originally filed, in paragraph [0015] states that the "server 204 is an information handling system as well, preferably *a standard computing device* specifically designed for use as a server 204." Accordingly, the specification explicitly supports the usage within the server of a device with a computing functionality, inherently a controller or element otherwise termed as a processor, central processing unit (CPU), microprocessor, computer, or other similar device."

Although the term "controller" is not found in the original specification, the appropriate standard is whether "appellant's specification . . . reasonably convey to those skilled in the art that the appellant was in possession of the claimed invention as of the date of the invention." *Regents of the University of California v. Eli Lilly & co.*, 119 F.3d 1559, 1568, 43 USPQ2d 1398, 1405 (Fed. Cir. 1997); *Hyatt v. Boone*, 146 F.3d 1348, 1354, 47 USPQ2d 1128, 1132 (Fed. Cir. 1998). "The claimed invention subject matter *need not be described literally, i.e., using the same terms*, in order for the disclosure to satisfy the description requirement." MPEP 2106 VB1 (2100-19), Rev. 1, Feb. 2003.

The examiner further states that "appellant's recitation of a 'controller' as a separate element from the server constitutes new matter." The appellants appeal the rejection of claims 14-19 on the grounds of entry of new matter on the basis that the specification, as originally filed, in paragraph [0015] states that the "server 204 is an information handling system as well, preferably *a standard computing device* specifically designed for use as a server 204." On the basis that a "standard computing device" contains a controller or other form of processing or computational unit, no new matter is added. Inherent disclosure of the controller in a manner that is readily understood by those having ordinary skill in the art is sufficient disclosure. "While there is no *in haec verba* requirement, newly added claim limitations must be supported in the specification through express, *implicit, or inherent disclosure*." Is the present case, the disclosure of a controller is both implicit and inherent in the cited portion of the specification.

(ii) Grounds of Rejection under 35 U.S.C. §112, second paragraph

The application has no claims rejected on the basis of 35 U.S.C. §112, second paragraph.

(iii) Grounds of Rejection under 35 U.S.C. §102

Claims 1-4, 6, 8, 9, 10, 11, and 13 were rejected under 35 U.S.C. §102(e) as being anticipated by Abram et al. (U.S. Patent No. 6,462,778). The appellants appeal the rejections on the basis that: (1) the examiner interprets the claims more broadly than the broadest *reasonable* interpretation, and/or (2) the Abram et al. reference, as applied to the claims using the examiner's overly broad interpretation, fails to show all claim elements.

1015.P054 US   -6-   Serial No. 09/816,993

The appellants acknowledge that the claims should be given their broadest reasonable interpretation during prosecution. However, terms in the claim *should be construed as those skilled in the art would construe the claim.* *Ex parte* Rahman, No. 2001-1480, 2002 WL 31083111 (P.T.O. Bd. Pat. App & Interf. 2001), citing Specialty Composites v. Cabot Corp., F.2d 981, 986 (Fed. Cir. 1988).

In the final office action dated 9/30/2003, the examiner states, "in the broadest sense of the term, a "server" ... is nothing more than a single processor that outputs data." The examiner continues, "Since the processor (140) of Abram et al. is a single processor that outputs data, it is considered to be readable as a server, in its broadest reasonable sense." The appellant's appeal the rejections on the basis that the examiner's expansive interpretation of "server" is not reasonable.

"PTO applies to verbiage of the proposed claims the broadest *reasonable* meaning of the words *in their ordinary usage* as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definition or otherwise that may be afforded by the written description contained in appellant's specification." MPEP 2111. The appellant's believe that examiner's expansive definition of the term "server" is beyond the broadest reasonable meaning, is outside ordinary usage, and *has not been found by the appellants in a detailed search in any instance to be used this broadly* either in technical usage in the fields of electronics, communications, computers, networks, and the like, or in non-technical usage. The appellants have laboriously researched terms "server", "client", "communications network", "server/client architecture", and related terms and have found no instance as broadly defined as "a single processor that outputs data", as created by the examiner. The appellant has found the following definitions in various technical dictionaries both text and on-line:

CNET glossary (http://www.cnet.com/Resources/Info/Glossary/Terms/server.html) defines "server" as:

> "The business end of a client/server setup, a server is usually a computer that provides the information, files, Web pages, and other services to the client that logs on to it. (The word server is also used to describe the software and operating system designed to run server hardware.)"

1015.P054 US   -7-   Serial No. 09/816,993

TechEncyclopedia (http://www.techweb.com/encyclopedia) defines "server" as:

> "A computer system in a network that is shared by multiple users. . . .
> The term "server" may refer to both the hardware and software (the entire
> computer system) or just the software that performs the service. For example,
> Web server may refer to the Web server software in a computer that also runs
> other applications, or, it may refer to a computer system dedicated only to the
> Web server application. For example, a large Web site could have several
> dedicated Web servers or one very large Web server."

Free On-Line Dictionary of Computing (FOLDOC) http://foldoc.doc.ic.ac.uk/foldoc/
specifies a definition of "server" as:

> "A computer which provides some service for other computers connected to it
> via a network. The most common example is a file server which has a local disk and
> services requests from remote clients to read and write files on that disk."

Yahoo! (http://education.yahoo.com/reference/dictionary/entries/82/f0118250.html)
Search dictionary defines a "file server" as:

> "a computer that controls a central repository of data that can be downloaded
> or manipulated in some manner *by a client*."

Merriam-Webster Online Dictionary (http://www.m-w.com/cgi-
bin/dictionary?book=Dictionary&va=server&x=13&y=13) defines "server" as:

> "a computer in a network that is used to provide services (as access to files or
> shared peripherals or the routing of e-mail) to other computers in the network."

Bartleby.com reproduces the definition of a "file server" from *The American
Heritage® Dictionary of the English Language*: Fourth Edition. 2000 as:

"a computer that controls a central repository of data that can be downloaded or manipulated in some manner *by a client.*"

Dictionary.com defines multiple terms in a server/client architecture including Server:

"A program which provides some service to other (client) programs. The connection between client and server is normally by means of message passing, often over a network, and uses some protocol to encode the client's requests and the server's responses. The server may run continuously (as a daemon), waiting for requests to arrive or it may be invoked by some higher level daemon which controls a number of specific servers (inetd on Unix). There are many servers associated with the Internet, such as those for Network File System, Network Information Service (NIS), Domain Name System (DNS), FTP, news, finger, Network Time Protocol. On Unix, a long list can be found in /etc/services or in the NIS database "services". See client-server."

And:

"A computer which provides some service for other computers connected to it via a network. The most common example is a file server which has a local disk and services requests from remote clients to read and write files on that disk, often using Sun's Network File System (NFS) protocol or Novell Netware on IBM PCs."

Webopedia (http://www.webopedia.com/TERM/C/client_server_architecture.html) defines many terms in a server/client architecture including:

Client/server architecture:

"A network architecture in which each computer or process on the network is either a *client* or a *server*. Servers are powerful computers or processes dedicated to managing disk drives (*file servers*), printers (*print servers*), or network traffic (*network servers*). Clients are PCs or workstations on which users run applications.

Clients rely on servers for resources, such as files, devices, and even processing power.

"Another type of network architecture is known as a *peer-to-peer* architecture because each *node* has equivalent responsibilities. Both client/server and *peer-to-peer architectures* are widely used, and each has unique advantages and disadvantages.

"Client-server architectures are sometimes called *two-tier architectures.*"

Server:

"A computer or device on a network that manages network resources. For example, a *file server* is a computer and storage device dedicated to storing files. Any user on the network can store files on the server. A *print server* is a computer that manages one or more printers, and a *network server* is a computer that manages network traffic. A database *server* is a computer system that processes database queries.

"Servers are often dedicated, meaning that they perform no other tasks besides their server tasks. On multiprocessing operating systems, however, a single computer can execute several programs at once. A server in this case could refer to the program that is managing resources rather than the entire computer."

Client:

"The client part of a *client-server architecture*. Typically, a client is an application that runs on a personal computer or workstation and relies on a server to perform some operations. For example, an *e-mail client* is an application that enables you to send and receive e-mail."

SearchNetworking.com (http://searchnetworking.techtarget.com/sDefinition/0,,sid7_gci211796,00.html) defines several aspects of the client/server architecture as follows:

Client/Server:

"Client/server describes the relationship between two computer programs in which one program, the client, makes a service request from another program, the server, which fulfills the request. Although the client/server idea can be used by programs within a single computer, it is a more important idea in a network. In a network, the client/server model provides a convenient way to interconnect programs that are distributed efficiently across different locations."

Server:

"1) In information technology, a server is a computer program that provides services to other computer programs (and their users) in the same or other computers.

"2) The computer that a server program runs in is also frequently referred to as a server (though it may be used for other purposes as well).

"3) In the client/server programming model, a server is a program that awaits and fulfills requests from client programs in the same or other computers. A given application in a computer may function as a client with requests for services from other programs and also as a *server* of requests from other programs."

Client:

"A client is the requesting program or user in a client/server relationship. For example, the user of a Web browser is effectively making client requests for pages from servers all over the Web. The browser itself is a client in its relationship with the computer that is getting and returning the requested HTML file. The computer handling the request and sending back the HTML file is a server."

Computer User (http://www.computeruser.com/resources/dictionary/definition.html?lookup=974) also defines several terms

Client/Server Network:

"A network in which one or more computers are servers, and the others are clients, as opposed to a peer-to-peer network, in which any node can be a client and server."

Network:

"A network in which one or more computers are servers, and the others are clients, as opposed to a peer-to-peer network, in which any node can be a client and server."

Server:

"The computer in a client/server architecture that supplies files or services. The computer that requests services is called the client. The client may request file transfer, remote logins, printing, or other available services."

Client:

"The computer in a client/server architecture that requests files or services. The computer that provides services is called the server. The client may request file transfer, remote logins, printing, or other available services. The client also means the software that makes the connection possible."

Hyperdictionary.com (http://www.hyperdictionary.com/dictionary/server) defines server and client as follows:

Server:

"(computer science) a computer that provides client stations with access to files and printers as shared resources to a computer network."

Client:

"(computer science) any computer that is hooked up to a computer network."

1015.P054 US   -12-   Serial No. 09/816,993

In every instance, a "server" defines the hardware and/or software in *a computer that performs services for one or more clients in a network.* In every instance, a "client" defines the hardware and/or software *in a computer* that receives the services from the server. The Abram et al reference does not show a server, does not show a client, and does not show a server/client communication network. What Abram et al. does show is a digital camera **100** that comprises a lens **110**, a charge-coupled device (CCD) **120**, an analog-to-digital converter **130**, a display **135**, and a processor **140**. (Col. 3, lines 1-4) None of the devices, including the display **180**, that are coupled to the processor **140** can be "clients" because none are computers or software that is provided services by a server. The processor **140** is not a "server" because it does not provides services to computers or software that function as clients.

The appellant's context of the claim recitation supports the reading of a *server* as a computer that serves other computer-based *clients* in a network. The appellants' specification supports the definition of the client as a computing device, in accordance with the numerous definitions, as shown in paragraph [0015] in which, "Each client **200** is an *information handling system,* such as a personal computer, Internet appliance, personal digital assistant, wireless telephone, web-enabled camera, or other device." Note that each of the listed devices is or includes a computer, for example, the digital camera **100** shown in **FIGURE 1** includes the processor **106** that serves as the computer that enables *client* functionality in combination with a server." In contrast, none of the devices or components shown in the Abram et al. digital camera **100**, such as the lens **110**, CCD **120**, ADC **130**, memory **150**, user input **195**, or display **180**, is described as a computer or attributed any computing functionality that would enable operations as a *client.*

The appellants' specification supports the definition of the server as a device that provides information and/or services to one or more client computers, in accordance with the numerous definitions, also as shown in paragraph [0015] in which, "The server **204** is an information handling system as well, preferably a standard computing device specifically designed for use as a server **204**."

Regarding the rejection of Claims 1-4, 6, 8, 9, 10, 11, and 13 under 35 U.S.C. §102(e) as being anticipated by Abram et al (U.S. Patent No. 6,462,778), the appellants appeal the rejection of all claims at least on the basis that Abram et al. does not disclose the method action of "receiving image data and associated position data from a client" in

independent method claims 1 and 12, and does not disclose a "server adapted to receive image data and associated position data from a client" in independent apparatus claim 13.

The examiner reads the term "communications network" in the appellants' claims broadly to include Abrams' interconnection between "clients" including memory, display, user input, analog-to-digital converter, and the like. With such a broad reading, claim 1 specifies, "receiving image data and associated position data *from a client* connected to a network." As claimed, a single client must supply both image data and position data. In Abram et al. no single element can supply both position data and image data.

The examiner recognizes in the remarks section of the final office action dated September 30, 2003, that the appellant considers the server to be "a computer which delivers data in a multi-computer network environment." The appellants assert that this is an appropriate definition of the term "server" as indicated by the numerous definitions supplied by the appellants in the response filed July 18, 2003. The examiner, also in the remarks, further states "in the broadest sense of the term, a server is nothing more than a single processor that outputs data." The appellants appeal the rejections at least partly on the basis that the definition of server cannot be read without considering the whole of the claim within which the term is used. The term "server" cannot be read as broadly as the examiner asserts in the context of the appellants' claims. Specifically, claims 1, 12, and 13 refer to server communications with "a client". The appellants assert that usage of the terms "server" and "client" in combination refer predominantly, if not exclusively, to the realm of a multi-computer network environment. Similarly, claims 1 and 12 refer specifically to the actions of "communicating data via a communications network", further affirmation of the common definition of a server as "a computer which delivers data in a multi-computer network environment." Since both of the methods claimed in Claims 1 and 12 relate specifically to methods of "operating a server", the claimed server can only be considered to operate as a "computer which delivers data in a multi-computer network environment" and not simply "a single processor that outputs data."

Accordingly, the appellants agree with the examiner's remarks that "usage of the term 'server' does not require the illustration of an Internet, WAN or LAN", and stress that the appellants' claims are not so limited but rather extend not only to the cited network types but also to any other sorts of communication network environment. However, the appellants disagree with the Examiner's assertion that the server term "only requires the presence of a

single processing device", since a server is defined according to its function, that of supplying services to computing clients. To reinforce the concept of server-client functionality, the claims do specify structures and operations in a network environment and server-client relationships that are not disclosed in any manner by Abrams.

The appellants further appeal the rejections on the basis that Abrams fails to disclose "communicating data via a communications network" as claimed by the appellants. Definitions of a "communications network" particularly relevant in the context of server-client communication are listed. The Open Group Architecture Framework (TOGAF) defines a communication network as "a set of products, concepts, and services that enable the connection of computer systems for the purpose of transmitting data and other forms (e.g. voice and video) between the systems." (www.opengroup.org/togaf/p4/glossary/glossary.htm)

Abrams does not show a communications network as claimed by the appellants, but rather merely shows interconnections between components in a digital camera.

Appellants further appeal the rejection of claim 6 under 35 U.S.C. §102(e) on the basis that Abram et al. does not disclose the receipt of chronological data (time stamps).

(iv) Grounds of Rejection under 35 U.S.C. §103

Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Abram et al. (U.S. Patent No. 6,462,778). Claims 7, 12, and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Abram et al in view of Obradovich (U.S. Patent No. 6,525,768). The appellants appeal the rejection of claim 5 for the same reason that independent claim 1 is allowable, that Abram et al. fails to show a client/server functionality.

Appellants appeal the rejection of claims 7, 12, and 20, partially on the basis that Abram et al. in combination with Obradovich fail to teach the client/server interaction claimed in independent claims 1 and 12, and also because Obradovich does not disclose the action of "serving a web page to a client" in claims 7 and 20. Obradovich merely mentions a capability to be "provided with GPS encoded information and maps similar to web page listings" (Col. 3, lines 26-27) and "portable Internet access" (Col. 3, line 59). Neither case discloses a capability to act as a server "serving a web page to said client." In both references of Obradovich, the receiving system would be functioning as a client that receives

information rather than as a server that provides information and services. Furthermore, Abram et al discloses no basis for server operation.

The claims are further distinguishable over Abrams in light of Obradovich on the basis that Obradovich does not teach usage of the web or Internet to access content data. The appellants dispute the examiner's assertion that Obradovich teaches GPS encoded and annotated images that can be delivered as a web page obtained from the Internet. Close inspection of the cited clause at col. 3, lines 26-27, of Obradovich show a teaching of accessing "GPS encoded information and maps similar to web page listings." The appropriate interpretation is *not that the information is accessed via the Internet*, but rather that the *type of information accessed* is similar to information that can be accessed on the Internet. The rest of the Obradovich patent adds nothing to extend beyond this limited description. The reference to Obradovich on col. 3, line 59, only states that the disclosed system can allow for portable Internet access. Accordingly, Obradovich discloses a system that is completely unlike either of the systems disclosed by the appellants or by Abrams and merely states that portable Internet access is possible, a spurious comment that cannot be related to, or combined with, the Abrams teaching. The statement is irrelevant to the appellants' claims.

(v) **General Grounds of Rejection**

The appellants do not appeal any additional general grounds of rejection.

IX. APPENDIX

Claims remaining in the application are as follows:

1. (Previously Presented):   A method for operating a server to provide content in association with image data, comprising:

    communicating data via a communications network;

    receiving image data and associated position data from a client connected to the network;

    retrieving content data related to said position data from a database coupled to the server; and

    producing an annotated image including said image data and said content data.

2. (Original): The method of claim 1, wherein said retrieving comprises:

    identifying a location name corresponding to said position data;

    querying at least one content database with said location name; and

    receiving content data from said content database in response to said querying.

3. (Original): The method of claim 2, wherein said identifying a location name comprises:

    querying a location database with said position data; and

    receiving a location name from said location database in response to said querying.

4. (Previously Presented):   The method of claim 2, wherein said content database comprises text.

5. (Original): The method of claim 1, further comprising:

    receiving chronological data in association with said image data;

    querying at least one content database with said chronological data; and

    receiving content data from said content database in response to said querying;

    wherein said annotated image includes data obtained from said content database in response to said query based on said chronological data.

6. (Previously Presented):   The method of claim 5, further comprising serving said annotated image to a client.

7. (Original): The method of claim 5, wherein said serving comprises serving a web page to said client, said web page including said annotated image.

8. (Original): The method of claim 1, wherein said position data comprises longitude and latitude coordinates.

9. (Original): The method of claim 1, further comprising storing said annotated image.

10. (Original):   The method of claim 9, further comprising granting conditional access to said stored annotated image.

11. (Original):   The method of claim 1, further comprising printing said annotated image.

12. (Previously Presented):   A method for operating a server to provide content in association with image data, comprising:
communicating data via a communications network;
receiving image data and associated position data from a client connected to the
    network;
querying a location database coupled to the server with said position data; and
receiving a location name from said location database in response to said querying.

13. (Original):   A system adapted to generate content in association with image data, comprising:
a location database;
a content database; and
a server connected to said location database and to said content database,
    said
server adapted to
receive image data and associated position data from a client,

retrieve content data from a content database, said content data related to said

position data,

produce an annotated image including said image data and said content data,

and

serve said annotated image to said client.

14. (Previously Presented):   An article of manufacture comprising:

a controller usable medium having a computable readable program code embodied

therein for operating a server to provide content in association with image

data, the computable readable program code further comprising:

a code capable of causing the controller to communicate data via a

communications network;

a code capable of causing the controller to receive image data and associated

position data from a client connected to the network;

a code capable of causing the controller to retrieve content data related to said

position data from a database coupled to the server; and

a code capable of causing the controller to produce an annotated image

including said image data and said content data.

15. (Previously Presented):   The article of manufacture according to Claim 14

further comprising:

a code capable of causing the controller to identify a location name corresponding to

said position data;

a code capable of causing the controller to query at least one content database with

said location name; and

a code capable of causing the controller to receive content data from said content

database in response to said query.

16. (Previously Presented):   The article of manufacture according to Claim 15

further comprising:

a code capable of causing the controller to query a location database with said

position data; and

a code capable of causing the controller to receive a location name from said location

database in response to said querying.

17. (Previously Presented):   The article of manufacture according to Claim 14
further comprising:

a code capable of causing the controller to receive chronological data in association
with said image data;

a code capable of causing the controller to query at least one content database with
said chronological data; and

a code capable of causing the controller to receive content data from said content
database in response to said querying;

wherein said annotated image includes data obtained from said content database in
response to said query based on said chronological data.

18. (Previously Presented):   The article of manufacture according to Claim 14
further comprising:

a code capable of causing the controller to receive image data and associated position
data;

a code capable of causing the controller to query a location database with said
position data; and

a code capable of causing the controller to receive a location name from said location
database in response to said querying.

19. (Previously Presented):   The article of manufacture according to Claim 18
further comprising:

a code capable of causing the controller to query at least one content database with
said location name;

a code capable of causing the controller to receive content data from said content
database in response to said query;

a code capable of causing the controller to produce an annotated image including said
image data and said content data;

a code capable of causing the controller to serve a web page to said client, said web
page including said annotated image; and

a code capable of causing the controller to store said annotated image.

20. (Previously Presented):   The method according to Claim 12 further comprising:

querying at least one content database with said location name;

receiving content data from said content database in response to said querying;

producing an annotated image including said image data and said content data;

serving a web page to said client, said web page including said annotated image; and

storing said annotated image.

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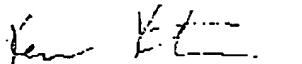
(Signature)

Ken J. Koestner
(Printed Name of Person Signing Certificate)

March 26, 2004
(Date)

Respectfully submitted,
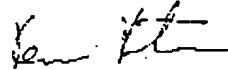
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